

1 AN ACT

2 relating to the use of interpreter services in a criminal case.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article 38.30, Code of Criminal Procedure, is
5 amended by amending Subsections (a) and (b) and adding Subsection
6 (a-1) to read as follows:

7 (a) When a motion for appointment of an interpreter is filed
8 by any party or on motion of the court, in any criminal proceeding,
9 it is determined that a person charged or a witness does not
10 understand and speak the English language, an interpreter must be
11 sworn to interpret for the person charged or the witness [~~him~~]. Any
12 person may be subpoenaed, attached or recognized in any criminal
13 action or proceeding, to appear before the proper judge or court to
14 act as interpreter therein, under the same rules and penalties as
15 are provided for witnesses. In the event that the only available
16 interpreter is not considered to possess adequate interpreting
17 skills for the particular situation or the interpreter is not
18 familiar with use of slang, the person charged or witness may be
19 permitted by the court to nominate another person to act as
20 intermediary between the person charged or witness [~~himself~~] and
21 the appointed interpreter during the proceedings.

22 (a-1) A qualified telephone interpreter may be sworn to
23 interpret for the person in the trial of a Class C misdemeanor or a
24 proceeding before a magistrate if an interpreter is not available

1 to appear in person before the court or if the only available
2 interpreter is not considered to possess adequate interpreting
3 skills for the particular situation or is unfamiliar with the use of
4 slang. In this subsection, "qualified telephone interpreter" means
5 a telephone service that employs:

6 (1) licensed court interpreters as defined by Section
7 57.001, Government Code; or

8 (2) federally certified court interpreters.

9 (b) Except as provided by Subsection (c) of this article,
10 interpreters appointed under the terms of this article will receive
11 from the general fund of the county for their services a sum not to
12 exceed \$100 a day as follows: interpreters shall be paid not less
13 than \$15 nor more than \$100 a day at the discretion of the judge
14 presiding, and when travel of the interpreter is involved, all the
15 actual expenses of travel, lodging, and meals incurred by the
16 interpreter pertaining to the case the interpreter [he] is
17 appointed to serve shall be paid at the same rate applicable to
18 state employees.

19 SECTION 2. Section 11(a), Article 42.12, Code of Criminal
20 Procedure, is amended to read as follows:

21 (a) The judge of the court having jurisdiction of the case
22 shall determine the conditions of community supervision and may, at
23 any time, during the period of community supervision alter or
24 modify the conditions. The judge may impose any reasonable
25 condition that is designed to protect or restore the community,
26 protect or restore the victim, or punish, rehabilitate, or reform
27 the defendant. Conditions of community supervision may include,

1 but shall not be limited to, the conditions that the defendant
2 shall:

3 (1) Commit no offense against the laws of this State or
4 of any other State or of the United States;

5 (2) Avoid injurious or vicious habits;

6 (3) Avoid persons or places of disreputable or harmful
7 character;

8 (4) Report to the supervision officer as directed by
9 the judge or supervision officer and obey all rules and regulations
10 of the community supervision and corrections department;

11 (5) Permit the supervision officer to visit him at his
12 home or elsewhere;

13 (6) Work faithfully at suitable employment as far as
14 possible;

15 (7) Remain within a specified place;

16 (8) Pay his fine, if one be assessed, and all court
17 costs whether a fine be assessed or not, in one or several sums;

18 (9) Support his dependents;

19 (10) Participate, for a time specified by the judge in
20 any community-based program, including a community-service work
21 program under Section 16 of this article;

22 (11) Reimburse the county in which the prosecution was
23 instituted for compensation paid to appointed counsel for defending
24 him in the case, if counsel was appointed, or if he was represented
25 by a county-paid public defender, in an amount that would have been
26 paid to an appointed attorney had the county not had a public
27 defender;

1 (12) Remain under custodial supervision in a community
2 corrections facility, obey all rules and regulations of such
3 facility, and pay a percentage of his income to the facility for
4 room and board;

5 (13) Pay a percentage of his income to his dependents
6 for their support while under custodial supervision in a community
7 corrections facility;

8 (14) Submit to testing for alcohol or controlled
9 substances;

10 (15) Attend counseling sessions for substance abusers
11 or participate in substance abuse treatment services in a program
12 or facility approved or licensed by the Texas Commission on Alcohol
13 and Drug Abuse;

14 (16) With the consent of the victim of a misdemeanor
15 offense or of any offense under Title 7, Penal Code, participate in
16 victim-defendant mediation;

17 (17) Submit to electronic monitoring;

18 (18) Reimburse the general revenue fund for any
19 amounts paid from that fund to a victim, as defined by Article 56.01
20 of this code, of the defendant's offense or if no reimbursement is
21 required, make one payment to the fund in an amount not to exceed
22 \$50 if the offense is a misdemeanor or not to exceed \$100 if the
23 offense is a felony;

24 (19) Reimburse a law enforcement agency for the
25 analysis, storage, or disposal of raw materials, controlled
26 substances, chemical precursors, drug paraphernalia, or other
27 materials seized in connection with the offense;

1 (20) Pay all or part of the reasonable and necessary
2 costs incurred by the victim for psychological counseling made
3 necessary by the offense or for counseling and education relating
4 to acquired immune deficiency syndrome or human immunodeficiency
5 virus made necessary by the offense;

6 (21) Make one payment in an amount not to exceed \$50 to
7 a crime stoppers organization as defined by Section 414.001,
8 Government Code, and as certified by the Crime Stoppers Advisory
9 Council;

10 (22) Submit a blood sample or other specimen to the
11 Department of Public Safety under Subchapter G, Chapter 411,
12 Government Code, for the purpose of creating a DNA record of the
13 defendant; ~~and~~

14 (23) In any manner required by the judge, provide
15 public notice of the offense for which the defendant was placed on
16 community supervision in the county in which the offense was
17 committed; and

18 (24) Reimburse the county in which the prosecution was
19 instituted for compensation paid to any interpreter in the case.

20 SECTION 3. Section 11(a), Article 42.12, Code of Criminal
21 Procedure, as amended by this Act, applies only to a defendant
22 placed on community supervision on or after the effective date of
23 this Act. A defendant placed on community supervision before the
24 effective date of this Act is governed by the law in effect on the
25 date the defendant was placed on community supervision, and the
26 former law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2005.

Vaughn Sewhurst

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 1601 was passed by the House on April 21, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1601 on May 26, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1601 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Spaw
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:15 AM 'CLOCK

Roger Williams
Secretary of State
JUN 18 2005